



City of Chelsea

LICENSING COMMISSION

City Hall, 500 Broadway
Chelsea, MA 02150

Telephone: 617-466-4050

Fax: 617-466-4059

dclayman@chelseama.gov

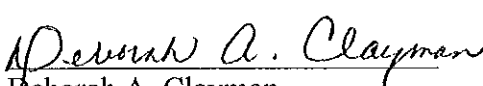
Deborah A. Clayman
City Clerk

There will be a meeting of the Chelsea Licensing Commission on Tuesday, December 9, 2014, at 6:00 p.m., at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA.

AGENDA

- 1) Election of Licensing Commission Officers
- 2) Minutes of Licensing Commission meeting of October 28, 2014 and November 18, 2014
- 3) New Business (any new business and other items not reasonably anticipated at the time of meeting posting)
- 4) Las Pupusas del Chino
92 Washington Ave. (continuation of public hearing re disciplinary action)
- 5) Diranian Realty Co., LLC, d/b/a The Diranian
255 Chestnut St. (continuation of public hearing re Rooming House License application)
- 6) All Seasons Liquors, Inc.
900 Broadway (public hearing re transfer of All Alcohol Package Store License)
- 7) Manotas Corp., d/b/a El Carriel
9-11 Williams St. (conference re operating hours)
- 8) Los Amigos Corporation
339 Broadway (conference re change of manager application)
- 9) Gran Chimu, Inc., d/b/a Las Palmas Restaurant
44-48 Central Ave. (conference re complaint)
- 10) Chelsea City Taxi (conference re complaint)
- 11) New Year's Eve Operating Hours
- 12) 2015 License Renewals
 - Alcoholic Beverage Licenses
 - Amusement/Entertainment Licenses
 - Billiard/Pool Table Licenses
 - Common Victualer Licenses
 - Class I, II and III Licenses
 - Rooming House Licenses

RECEIVED
CITY CLERK'S OFFICE
CHelsea, MA
DEC 9 2014 6:01


Deborah A. Clayman
City Clerk

December 9, 2014

Meeting of the Chelsea Licensing Commission commenced on this date at 6:00 p.m. at the Chelsea Public Library Auditorium, 569 Broadway, Chelsea, MA. Present: Commissioners Silvia Guzman, Joe Cooney, and Roy Avellaneda. Absent: Commissioner Ken Umemba. Also present: City Clerk Deborah Clayman and Captain Keith Houghton of the Chelsea Police Department.

Commissioner Cooney nominated Silvia Guzman as Chairperson of the Licensing Commission; seconded by Avellaneda. All in favor.

Commissioner Cooney nominated Roy Avellaneda as Vice-Chairperson of the Licensing Commission; seconded by Guzman. All in favor.

Minutes of Licensing Commission meeting of October 28, 2014 and November 18, 2014 were accepted and filed. All in favor.

Power of Attorney communication re Evelyn Diranian and Virginia Diranian was tabled pending public hearing scheduled for this evening re Diranian Realty Co.

December 8, 2014 communication from the Law Department re 253-255 Chestnut St. was tabled pending public hearing scheduled for this evening in connection with Diranian Realty Co.

Police Narrative of Police Captain Keith Houghton #14-4744-OF re Las Palmas Restaurant of 44 Central Ave. was tabled pending conference scheduled for this evening.

Police Narrative of Police Captain Keith Houghton #14-4638-OF re Las Palmas Restaurant of 44 Central Ave. was tabled pending conference scheduled for this evening.

Communication of December 9, 2014 from Police Captain Keith Houghton re Plaza Mexico of Washington Ave. was submitted. Avellaneda made motion to schedule hearing and notify police department that any and all witness and officers involved should be present; seconded by Cooney. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

November 20, 2014 communication from Erick Orellana of Fatima Washington Deli of 373 Washington Ave. was accepted and filed.

November 18, 2014 communication from ABCC re King Arthur's appeal was accepted and filed.

Communication of MALU Solutions re Las Pupusas del Chino Restaurant of 92 Washington Ave. re digital video recorder was accepted and filed.

Application for transfer of liquor license re SAR Brothers Convenience Corporation to F & A LLC was submitted. Public hearing will be scheduled.

RECEIVED
CITY CLERK'S OFFICE
CHelsea, MA
NOV 18 2014
P 12 03

Continuation of public hearing re Las Pupusas del Chino of 92 Washington Ave. re police report #14-3189-OF commenced. Attorney Ann Delyani appeared with Gustavo Serna and Lucia Lopez on behalf of Las Pupusas del Chino.

Captain Houghton stated that the Commission had asked if their video equipment was working at the last meeting and reported that the equipment was checked on 11/24/14 and was working as reported by the police department. Houghton stated further that the three police officers involved are present these evening as previously requested by the Commission.

Houghton read police report 14-3189-OF of Officer Dustin Chodrick.

No one appeared to speak during the public speaking portion of the hearing. The public speaking portion of the hearing was closed.

Avellaneda questioned Officer Chodrick re his discussion with Gustavo and asked if Gustavo stated he rented the bar to Ramiro Guerra, to which Officer Chodrick responded yes. Officer Chodrick stated that he ran Ramiro Guerra's name in their database and his business was listed as Las Pupusas and he was listed as part owner of the business. Houghton stated that the police department database is not linked into city hall but is linked into the fire department in order to reach individuals of establishments. Atty Delyani stated that Ramiro does work there but he is not a part owner.

Avellaneda requested Delyani to explain the issue that Gustavo rents part of the bar to Guerra. Delyani stated that Gustavo denies saying that and has no recollection of saying that because it is not the case.

Houghton stated that the licensee was here last July and the video camera system was not working at that time.

Officer Walzak stated on this report there is a lengthy time span that they are trying to piece together.

Umemba questioned whether or not Gustavo knew any of the police officers. Delyani stated that he knows Officer Walzak and they had a fairly cordial conversation at the establishment. Gustavo stated that the police officer asked him why he was there at that time and he explained his schedule to him, noting that he left at 10 pm and usually gets there at 5 am to prepare for opening. The officer asked Gustavo if he knew what had occurred and Gustavo informed him that he did not know. Gustavo stated that he did not say that he rents the business to Guerro; he stated that Guerro worked for him. Since the incident, because Guerro had access to the establishment because he had closed for him in the past, Delyani suggested and Gustavo abided to change the locks.

Officer Star Chung stated that the individual who appeared at the police station clearly looked as though he was assaulted. She did not take photos because she does not have access to that equipment and no supervisor was called in to take photos. She asked him what happened to his

shoes and he told her he was running. He came into the station at about 4 am and officers came to the station at about 4:20. He incident may have occurred about 3:30 am.

Walzak stated that they came into the situation off the street and Officer Chung told them what had occurred. They didn't get into any detail re why the individual didn't have any shoes. An investigation was done by officers upstairs.

Captain Houghton explained the meaning of a (FIO) field interview observation.

Umemba questioned Delyani re how long she had been representing the licensee, to which Delyani responded that this was not her first time. Umemba asked if she was aware of any other owner to which Delyani responded that Gustavo is the owner and Lucia Lopez is the manager. She stated further that she is not aware that the establishment is rented out. She did not represent him when he came before the Commission initially, but has been with him for about eight months.

Avellaneda made motion to revoke alcoholic beverage license in violation of section 2.07 of the Licensing Commission's Rules and Regulations. Avellaneda read the regulation and stated that he is going to take the word of the police department. Given the past violations that have occurred and there is a failure of management, he doesn't think they should have a license; seconded by Cooney. On the motion: Umemba – no; Avellaneda – yes; Cooney – yes; Guzman – no.

Cooney made motion to suspend alcoholic beverage license for three days, on Thursday, Friday and Saturday; seconded by Umemba. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Continuation of public hearing re Diranian Realty Co., LLC of 255 Chestnut St. re Rooming House License application commenced. Virginia Diranian appeared on behalf of Diranian Realty Co. with James Dunn, who identified himself as a friend of the Diranians and stated that he is trying to work with them to purchase the building.

No one appeared to speak during the public speaking portion of the hearing. The public speaking portion of the hearing was closed.

December 8, 2014 Law Department communication was read for the record.

Virginia Diranian stated that every time she received a communication, she contacted the City's legal department. In 2011 she received her license. She has been trying to put something together with James Dunn. There are seven people in the building now and she has been trying to resolve and work things out re a purchase and sale agreement for James Dunn to purchase the building because she and her mom are ill. She told the law department that she would not rent to any additional people and she just got sick again. The building is up t code. She didn't rent rooms for other reasons that the City is aware of because the rooms have been used for surveillance by the police department. Cooney stated that right now she owes \$20,000 plus for this year and the Commission cannot approve a license application when monies are owed to the

City. Diranian stated that she is trying to sell so she can pay off the City. Guzman told her she has no license and she is free to sell the building anytime she wants and the new person can apply for a license. Cooney stated there is a cease and desist. Licenses are not transferrable and Dunn would have to apply for a new license.

Guzman stated one of her major concerns is that she has received two or more cease and desist orders noting she may not run a rooming house; however, she continues to run an illegal rooming house. She previously stated that the law department allowed her to keep people there. They requested a detailed history from the law department and she once again stated that Asst. City Solicitor Lindquist told her she could keep these people without be licensed. Guzman stated that she doesn't understand why the cease and desist order has been ignored. Diranian stated that she was under the assumption that everything was okay. When she talked to City Treasurer Bob Boulrice, he said he was going to talk to Cooney about the violations.

Avellaneda stated if there are still outstanding monies due the City, this Commission cannot grant a license.

Guzman stated this has been in operation for seven years without being licensed. By Diranian's own testimony, she is receiving rent and benefitting running an illegal rooming house.

Umemba stated she has been in compliance 70% of the time. She stated that she has talked to members of the law department and she has been trying to comply and was weakened by illness. He wants to hear what they are doing to try to get out of this situation. It is a little more complex because he is concerned about the many people she has been talking to. Each time she was asked to pay, she has paid and she is trying. If you have 29 rooms and are limited to a few rooms, he wants to see how this can be taken care of.

Guzman stated she understands that there must be something that occurred that led her to tax default. She is struggling to get out of tax taking but she is still running an illegal rooming house without a license. She is taking into consideration that she has been running an illegal rooming house for whatever the reasons are. She has repeatedly received cease and desist notices and has ignored them.

Cooney made motion to deny Rooming House License application; seconded by Avellaneda. On the motion: Umemba – no; Avellaneda – yes; Cooney – yes; Guzman – yes.

Public hearing commenced re application for transfer of a package store/all alcoholic beverage license and change of manager from All Seasons Liquors, Inc., to Absolut Liquors, Inc., d/b/a Casella's, 900 Broadway. Attorney Song Kim appeared with Thuhang Nguyen on behalf of Absolut Liquors and stated that Thuhang Nguyen is the manager and sole owner.

No one appeared to speak during the public speaking portion of the hearing. The public speaking portion of the hearing was closed.

Attorney Kim stated that they will not be remodeling the establishment and Thuhang was the clerk of a liquor store in Weymouth. She is married with two children; has worked at B & K Liquors with a full liquor license; and has training certification.

Houghton stated that the police department has no issues re the establishment.

Avellaneda stated that the Commission has asked other license holders to have video surveillance as a requirement for a license and that the recording be kept for at least 30 days back. Guzman stated that the Commission likes to see video surveillance cameras inside and outside as well.

Cooney made motion to approve application; seconded by Avellaneda. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Conference commenced re Manotas Corp., d/b/a El Carriel of 9-11 Williams St. in connection the licensee's October 29, 2014 communication requesting to revise the operating hours of the establishment. Manuel Velez appeared on behalf of El Carriel and stated that Juan Manotas was unavailable this evening as he is stuck at work.

Houghton stated that the police department does not have any concern re the hours of operation.

Cooney made motion to approve the following operating hours, seconded by Avellaneda (All in favor):

Monday – closed (except on the day that a federal holiday is observed on the Tuesday (Veterans Day)

Tuesday – closed (except the day that a federal holiday is observed on the Wednesday (Veterans Day)

Wednesday and Thursday – open 7:00 p.m. to 1:00 a.m.

Friday and Saturday – open 5:00 p.m. to 1:00 a.m.

Sunday – open 12:00 p.m. to 1:00 a.m.

Conference commenced re application for change of manager of Los Amigos Corporation, 339 Broadway. Attorney Ann Delyani appeared with Manuel Mendez (proposed new manager) and stated they are requesting a change in manager from Eduardo Galdamez to Manuel Mendez.

Guzman recused herself noting that she previously represented Manuel Mendez.

Avellaneda presented ABCC approval of 8/4/14 re application for a transfer of the license and noted that the application process began in 2011 and that the transfer took a few years to obtain approval. In talking to Attorney Delyani's client, it is his understanding that Mendez recently purchased the business from the individuals who had last been approved and part of the change of manager application notes that he is now the new president and replaced the prior approved officers of the corporation. It is his belief that there has been a transfer of Los Amigos Corporation.

Umemba made a motion to table the application pending receipt of additional paperwork to be submitted; seconded by Cooney. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes.

Conference commenced re 10/27/14 complaint received from Las Palmas neighbors and landlord re Gran Chimu, Inc., d/b/a Las Palmas Restaurant, 44-48 Central Ave. Lilliana Rivera appeared with Fabiola Garrido on behalf of Las Palmas. Fabiola stated that she has been helping Lilliana because she has been very ill for the past three months.

Houghton stated that they have been here before. Houghton referenced two police reports submitted to the Commission (report #14-4638-OF and #14-4744-OF) and stated that since 10/28/14 he has monitored the establishment and they are never open during the day but are open in the evening. The issues noted are accurate and they do have issues when the place closes. At night they are always open.

Lilliana Rivera stated she has a security company who works for her and she was not aware of anyone saving parking spaces outside. She understands that saving parking spaces is not allowed.

Umemba made motion to move matter to a public hearing; seconded by Cooney. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Conference commenced re Chelsea City Taxi re complaint dated 11/13/14. Nelson Alvarado appeared on behalf of Chelsea City Taxi. Saul Granados also appeared and stated that he was the driver referenced in the complaint. The complainant did not appear at the conference.

Houghton stated that the police department has not received any complaints.

Alvarado stated that his driver informed him that he was already on another call. He understands why drivers don't want to take short runs but they realize they cannot refuse a fare. Granados stated that he told the person he couldn't take the ride because he had another call. He did not report the incident.

Cooney made motion to take no action and close the conference; seconded by Avellaneda. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Hearing commenced re New Year's Eve operating hours. No one appeared to speak. Public speaking portion of hearing was closed. Cooney made motion to allow MGL c 138, section 12, alcoholic beverage license holders to remain open until 2:00 a.m. on New Year's Eve only; seconded by Umemba. On the motion: Umemba – yes; Avellaneda – yes; Cooney – yes; Guzman – yes.

Public hearing commenced re 2015 Alcoholic Beverages License Renewals.

No one appeared to speak during the public speaking portion of the hearing. Public speaking portion of the hearing was closed.

City Clerk Deborah Clayman informed the Commission that Aguilar Corp., d/b/a Bar La Cueva of 802 Broadway did not submit license renewal for 2015 until December 6, 2014. Licensee will be notified that as of January 1, 2015 they are no longer licensed to sell alcoholic beverages.

Cooney made motion to approve 2015 renewal affidavits for alcoholic beverages (except for Aguilar Corp., d/b/a Bar La Cueva of 802 Broadway) with the condition that all licensees are in full compliance with all City regulations; seconded by Avellaneda. On the motion: Avellaneda – yes; Cooney – yes; Umemba – yes; Guzman – yes.

Public hearing commenced re 2015 Amusement/Entertainment License renewals.

No one appeared to speak during the public speaking portion of the hearing. Public speaking portion of the hearing was closed.

Cooney made motion to approve 2015 Amusement/Entertainment License renewals with the condition that all licensees are in full compliance with all City regulations; seconded by Avellaneda. On the motion: Avellaneda – yes; Cooney – yes; Umemba – yes; Guzman – yes.

Public hearing commenced re 2015 Billiard/Pool Table License renewals.

No one appeared to speak during the public speaking portion of the hearing. Public speaking portion of the hearing was closed.

Cooney made motion to approve 2015 Billiard/Pool Table License renewal application with the condition that all licensees are in full compliance with all City regulations; seconded by Avellaneda. On the motion: Avellaneda – yes; Cooney – yes; Umemba – yes; Guzman – yes.

Public hearing commenced re 2015 Common Victualer License renewals.

No one appeared to speak during the public speaking portion of the hearing. Public speaking portion of the hearing was closed.

Cooney made motion to approve 2015 Common Victualer License renewal applications with the condition that all licensees are in full compliance with all City regulations; seconded by Avellaneda. On the motion: Avellaneda – yes; Cooney – yes; Umemba – yes; Guzman – yes.

Public hearing commenced re 2015 Class I, II and III License renewals.

No one appeared to speak during the public speaking portion of the hearing. Public speaking portion of the hearing was closed.

Cooney made motion to approve 2015 Class I, II, III License renewal applications with the condition that all licensees are in full compliance with all City regulations; seconded by Avellaneda. On the motion: Avellaneda – yes; Cooney – yes; Umemba – yes; Guzman – yes.

December 9, 2014 (cont'd)

Meeting adjourned at 8:45 p.m.

Deborah A. Clayman
Deborah A. Clayman
City Clerk

approved 2/3/15

RECEIVED
CITY CLERK'S OFFICE
DEBORAH A. CLAYMAN
2015 FEB -4 P 12:03